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KRIEG DEVault LLP ONE INDIANA SQUARE SUITE 2800 INDIANAPOLIS, IN 46204-2079				UNDERWOOD, DONALD W		
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/648,730
Filing Date: August 22, 2003
Appellant(s): THURNEYSEN ET AL.

Clifford W. Browning
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 08/04/08 appealing from the Office action
mailed 12/04/07.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,099,217

Wiegand, et al.

8-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim 18 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Wiegand, et al.

Note figure 11 in Wiegand shows a fixed base 2; a support and drive structure comprising carriages 6b, 6c which move along the base in only one degree of freedom, legs 4c, 4d, 4e, 4f (Note figure 10 labels 4c and 4d.), a platform 1 bearing an unlabeled terminal element; an auxiliary structure comprising a carriage 6a, a pivot bar 4a; a transmission structure comprising a joint at the upper end of bar 4a and the receiving structure on platform 1. Note the pivot axis would be an axis parallel with axes through the connection points of 4c and 4e and 4d and 4f, respectively, to platform 1 as appellants' pivot axis is an axis parallel with axes through points 9 and 9 and 10 and 10, respectively, in appellants' figure 3. See the specification, page 8, lines 24-29. The direction of the resultant force at the transmission joint caused by the movement of carriage 6a would cause a resultant force close to a perpendicular to the line joining the transmission point to the pivot axis.

(10) Response to Argument

Appellants' arguments should be viewed in conjunction with the following remarks. The carriages in figure 11 of Wiegand each move back and forth along rails, i.e., each has only one degree of freedom. The arms in Wiegand are connected to their respective structures by ball and socket joints as are appellants' arms. In addition Wiegand's carriages contain rotating joints 60a, 60b and 60c as noted by appellants to which the arms legs and bars are connected. These rotating joints do not add a degree of freedom to the movement of the carriages as argued by appellants but increase

movement of their respective legs and bars. Claim 18 does not preclude this more complex mounting and increased movement since it does not set forth the structure of appellants' joints nor does it preclude the use of two bars (4a and 4b in Wiegand). Moreover, the ball and socket joints used by appellants for their legs and bar would permit some rotation but not as much as the ball and socket joints and rotating structure 60a, 60b and 60c in Wiegand. Thus appellants summary that the recitation of carriages guided by only one degree of freedom defines over the carriage and rotating structure 60a, 60b and 60c in Wiegand is false since Wiegand's carriages have only one degree of freedom as noted above and the claims do not preclude the rotating structure 60a, 60b and 60c.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Donald Underwood/

Primary Examiner, Art Unit 3652

Conferees:

James Keenan /JK/

Saul Rodriguez /SR/